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7 Attorney for Jairo Garcia

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 JAIRO GARCIA,
15 Defendant.
16

Case No. 2:21-CR-00224-JAD-VCF

**STIPULATION TO CONTINUE
PRETRIAL MOTION DEADLINES**
(First Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,
18 Acting United States Attorney, and Kenneth Nicholas Portz, Assistant United States Attorney,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Benjamin F. J. Nemec, Assistant Federal Public Defender, counsel for Jairo Garcia, that
21 the previously ordered deadline for filing of pretrial motions be vacated and that the parties
22 herein shall have to and including April 22, 2022, within which to file the Defendant's pretrial
23 motions currently due March 25, 2022.

24 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
25 shall have to and including May 6, 2022, to file any and all responsive pleadings, currently due
26 April 8, 2022.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
2 shall have to and including May 13, 2022, to file any and all replies to dispositive motions,
3 currently due April 15, 2022.

4 The Stipulation is entered into for the following reasons:

5 1. Defense counsel recently caught the flu. As such, defense counsel needs
6 additional time to draft any pretrial motions.

7 2. The defendant is incarcerated and does not object to the continuance.

8 3. The parties agree to the continuance.

9 4. The additional time requested herein is not sought for purposes of delay, but
10 merely to allow counsel for defendant sufficient time within which to discuss the proposed
11 resolution with her client.

12 5. Additionally, denial of this request for continuance could result in a miscarriage
13 of justice.

14 This is the first stipulation to continue filed herein.

15 DATED this 23rd day of March 2022.

16 RENE L. VALLADARES
17 Federal Public Defender

CHRISTOPHER CHIOU
Acting United States Attorney

18 */s/ Benjamin F. J. Nemec*
19 By _____

/s/ Kenneth Nicholas Portz
By _____

20 BENJAMIN F. J. NEMEC
Assistant Federal Public Defender

KENNETH NICHOLAS PORTZ
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JAIRO GARCIA,

7 Defendant.

Case No. 2:21-CR-00224-JAD-VCF

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

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10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. Defense counsel recently caught the flu. As such, defense counsel needs
14 additional time to draft any pretrial motions.

15 2. The defendant is incarcerated and does not object to the continuance.

16 3. The parties agree to the continuance.

17 4. The additional time requested herein is not sought for purposes of delay, but
18 merely to allow counsel for defendant sufficient time within which to discuss the proposed
19 resolution with her client.

20 5. Additionally, denial of this request for continuance could result in a miscarriage
21 of justice.

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including April 22, 2022 within which to file the Defendant's pretrial motions.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall have to and including May 6, 2022 to file any and all responsive pleadings.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall have to and including May 13, 2022 to file any and all replies to dispositive motions.

DATED this 24th day of March 2022.



UNITED STATES MAGISTRATE JUDGE